

**MINUTES OF THE CITY PLANNING COMMISSION  
SPECIAL MEETING  
J. MARTIN GRIESEL ROOM**

**July 10, 2003  
9:30 AM**

**Present:** Appointed Members: Donald Mooney, Caleb Faux, Councilmember Jim Tarbell; Valerie Lemmie, City Manager; Community Development and Planning Staff: Peg Moertl, Director; Skip Forwood, Acting Chief Planner

Mr. Mooney called the meeting to order.

## **DISCUSSION**

**REPORT AND RECOMMENDATION FOR THE CONVEYANCE OF A PERMANENT, NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER CITY-OWNED PROPERTY; THE CONVEYANCE OF AN AERIAL EASEMENT FROM FIFTEEN (15) FEET ABOVE THE SURFACE OVER CITY-OWNED PROPERTY; A RELEASE OF A PEDESTRIAN ACCESS EASEMENT; AND THE SALE OF CITY-OWNED PROPERTY LOCATED AT 220-224 EAST THIRD STREET.**

Patrick Ewing, Senior Community Development Analyst in the Department of Community Development and Planning stated that he is the project manager for this development. Stated that two of the four ordinances convey new easements over city-owned property, one is a release of a pedestrian access easement and the forth ordinance is for the sale of 220-224 East Third Street which is a surface parking lot which will be used in the future expansion of this development.

Mr. Mooney stated that the purpose of the easement through the building was to use the sky bridge to get to the stadium.

Charles Schroer, Frost Brown Todd, 201 E. Fifth Street, 45202, stated that he is counsel for the Convergys Corporation. Mr. Schroer stated there is an operating hour easement through the lobby of Atrium One that cut through Atrium One into the winter garden and connected to the patio which used to connect to the sky bridge over Ft. Washington Way before it was removed. The city and Atrium Two is the beneficiary of a 24-hour access easement through the winter garden for pedestrian traffic which will remain in effect. Depending on the resolve with respect to the pending litigation brought by Atrium Two against the city and the county for the removal of the sky bridge and depending on any settlement, if there is any type of pedestrian ingress or egress constructed off the south side of Atrium Two, there will still be the 24-hour access through the winter garden. For security reasons, Convergys does not want people strolling through the internal lobby when Atrium One becomes its corporate headquarters.

**Motion:** Mr. Faux moved approval.

**Second:** Mr. Witte

**Vote:** All ayes (5-0), motion carries.

## OTHER BUSINESS

Rob Smyjunas, stated that Vandercar has been in discussions for the past 30 days with a national movie theater. Mr. Smyjunas stated this week the national movie theater requested an economic proposal from Vandercar for a deal to locate on the Phase III site, which is the parcel, located closest to I-71.

Bill Davin, showed the orientation of the three phases using renderings. Mr. Davin stated that what is being proposed for Phase III meets more of the R-5T guidelines than Phase I and II.

Peg Moertl asked Mr. Smyjunas about site control. Mr. Smyjunas responded that they own certain parcels and have handshakes with certain people.

Mr. Tarbell asked if Dr. Alice's office is included in this phase. Mr. Davin responded that the doctor's office is included. Mr. Tarbell asked the status of the doctor's office. Mr. Smyjunas responded that he has had numerous conversations with the doctor and the doctor wants to get this done.

Mr. Smyjunas stated that he wanted to bring forward to the City Planning Commission what was heard from a national theater chain and that Vandercar is working with an anchor tenant. The theater will be sitting on three levels of parking with 1,200 to 1,500 spaces of unpaid parking.

Mr. Witte asked how many square feet will be retail. Mr. Smyjunas responded that the office building for restaurants and retail is approximately 150,000 to 200,000 square feet. Ms. Lemmie asked if an acceptable economic proposal would trigger the development project or would he want more space leased with the optimism of having anchor tenant. Mr. Smyjunas responded that if an economic proposal is acceptable to the tenant and if other situations can be resolved, the development of the theater can move forward; the addition of retail and then the office building would follow.

Ms. Moertl asked if they are still talking with a hotel user. Mr. Smyjunas responded not at this time; there is a 28,000 square foot tenant with some parking underground.

Ms. Moertl asked if the existing traffic impact study needed to be modified. Mr. Davin responded that a Phase III traffic study has not been done yet. Mr. Smyjunas stated that they have been told that movie theaters and office structures do not have the same traffic patterns as retail which is one of the greatest things about having the movie theater as one of the components. Mr. Smyjunas stated that the parking usage times for the office building and the theater works very well because the garage can have more than an eight-hour usage.

Mr. Smyjunas stated that they would like to come back to the next City Planning Commission meeting with more specific details on this project.

Mr. Mooney stated that he likes what he sees. Mr. Smyjunas stated this is all part of the urban renewal plan that was passed two years ago. Mr. Faux stated that this is very much in line with what was trying to be achieved on this site.

Mr. Faux is concerned that the primary activity is the movie theater. Mr. Faux stated that he would like to think that if the Planning Commission encouraged the development of the movie theater, the rest of the development would come with it as well. Mr. Smyjunas responded that the movie theater economically needs the other retail and restaurants.

Mr. Smyjunas stated that he will keep the Planning Commission up-to-date with the theater.

## ZONING HEARINGS

Mr. Mooney stated there will be three joint meetings with Mr. Pepper's Committee and the Planning Commission on the zoning code rewrite with staff summarizing the code's objective.

Ms. Moertl stated that about 300 communications with suggestions have been received and staff has responded or is in the process of responding to all of the suggestions. Ms. Moertl stated that in some cases there have been changes and modifications to the proposed code and in other cases it has been agreed to disagree. Ms. Moertl stated that there has been positive feedback from the communities regarding staff response to communications received.

Mr. Faux stated that he received a communication from Jon Doucleff concerning the provisions for parking requirements related to outdoor serving areas for bars and restaurants. Ms. Moertl stated that she would take a look at these requirements.

## ADJORNMENT

With no further business to consider, the meeting was adjourned.

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Margaret M. Moertl, Director  
Community Development & Planning

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Donald J. Mooney, Chairman

Date:\_\_\_\_\_

Date:\_\_\_\_\_